

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 6 and 8-16 are now pending, wherein claim 6 is amended, claim 7 is canceled, and claims 13-16 are new.

Claims 6-12 are rejected under 35 U.S.C. § 112, second paragraph for indefiniteness. Although Applicant respectfully traverses this ground of rejection, the claims are amended to address the issue identified in the Office Action.

Claims 6 and 10-12 are rejected under 35 U.S.C. § 102(b) for anticipation by U.S. patent No. 6,367,570 to Long, III et al. ("Long"). Claims 7-9 are rejected under 35 U.S.C. § 103(a) for obviousness in view of the combination of Long and U.S. Patent No. 5,343,970 to Severinsky ("Severinsky"). These grounds of rejection are respectfully traversed.

Independent claim 6 is amended to include the elements of claim 7. Specifically, independent claim 6 now recites that the changes in fuel consumption of the internal combustion engine which occur in response to load changes are recorded as a function of rotational speed of the internal combustion engine. When the quotient of a load change and fuel consumption change exceeds a first threshold value the electric motor is operated as a generator. When the quotient of a load change and fuel consumption is less than the first

threshold value or a second threshold value the electric motor is operated as a motor.

The Office Action relies on Severinsky for the disclosure of the elements of claim 7. In Severinsky the electric motor alone drives the vehicle while at low speeds, under acceleration and while climbing hills a combination of the electric motor and internal combustion engine drive the vehicle, and in steady state highway driving the internal combustion engine drives the vehicle.¹ One of the objects of Severinsky is that “the internal combustion engine is sized to efficiently provide the average power required for operation at moderate and highway speeds.”² Severinsky, however, does not disclose or suggest operating the electric motor as a generator or a motor based on a “quotient of a load change and fuel consumption.”

The Office Action cites Figure 2 of Severinsky for the disclosure of all of the elements of claim 7. This figure is a plot of output power versus rotational speed (RPM) of the “relatively small internal combustion engine” used in Severinsky. Severinsky does not, however, disclose that the plot of Figure 2 is used for determining whether to operate the electric motor as a generator or a motor. Instead, the purpose of this Figure is to illustrate that a small internal

¹ Abstract.

² Column 5, lines 46-50.

combustion engine is more efficient at highway speeds compared to the “oversized” engines used in conventional vehicles.³

Because Long and Severinsky each do not disclose or suggest using an electric motor as a generator or motor based on a “quotient of a load change and fuel consumption”, the combination does not render claim 6 obvious. Claims 8-12 are patentably distinguishable at least by virtue of their dependency from claim 6. Accordingly, Applicant respectfully requests that the rejection of these claims be withdrawn.

New claims 13-16 recite similar elements to those discussed above with regard to claim 6, and are patentably distinguishable over the current grounds of rejection for similar reasons.


³ Column 8, lines 44-59.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #095309.56955US).

Respectfully submitted,

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